



**GRANTED
WITH
COMMENTS**

The moving party is hereby ORDERED to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

**C. Scott Crabtree
District Court Judge**

DATE OF ORDER INDICATED ON ATTACHMENT

DISTRICT COURT, ADAMS COUNTY,
COLORADO
1100 Judicial Center Drive
Brighton, Colorado 80601

STATE OF COLORADO, ex rel. JOHN W. SUTHERS,
ATTORNEY GENERAL,

Plaintiff,

v.

SARA PAIGE WIDENER, individually, and FIGHT 2
LIVE FOUNDATION, a Colorado Non-Profit
Corporation,

Defendants.

**EFILED Document – District Court
CO Adams County District Court 17th JD
2009CV1679
Filing Date: Nov 6 2009 11:00AM MST
Transaction ID: 27927056**

▲ **COURT USE ONLY** ▲

Case No: 09CV1679

STIPULATED FINAL JUDGMENT

Plaintiff, the State of Colorado, upon relation of John W. Suthers, Attorney General for the State of Colorado, by and through undersigned counsel, and Defendants Sara Paige Widener (“Widener”) and Fight 2 Live Foundation, having each consented to the entry of this Stipulated Final Judgment without trial or other adjudication of fact or law herein, and the Court, having considered this matter and being fully advised in the premises, FINDS, CONCLUDES AND ORDERS AS FOLLOWS:

JURISDICTION

1. This Court has jurisdiction over the subject matter of this action and the parties hereto, and the Complaint states claims upon which relief can be granted under the Colorado Consumer Protection Act, Colo. Rev. Stat. § 6-1-101 through § 6-1-908 (2009) (“CCPA”) and the Colorado Charitable Solicitations Act, Colo. Rev. Stat. § 6-16-101 through § 6-16-113 (2009) (“CCSA”). Venue is proper in Adams County, State of Colorado.

2. This Court is authorized to issue a permanent injunction and other relief pursuant to Colo. Rev. Stat. §§ 6-1-110(1), 6-1-112(1), and 6-1-113(4) (2009) of the CCPA and Colo. Rev. Stat. § 6-16-111(5) of the CCSA.

PERMANENT INJUNCTION

3. Defendant Widener is permanently enjoined from representing to anyone that she currently suffers from or has ever suffered from any form of cancer.

4. Defendant Widener is permanently enjoined from accepting any gifts, benefits or services that are based upon fraudulent representations that she suffers from cancer or any other physical or mental illness.

5. Defendants, and any other persons under their control or in active concert or participation with Defendants who receive actual notice of this Court's Order, are permanently enjoined from soliciting and accepting donations on behalf of Defendant Widener or Defendant Fight 2 Live Foundation.

6. Defendant Widener is permanently enjoined from:

a. Operating, forming, founding, or establishing any charitable organization, as defined in Colo. Rev. Stat. § 6-16-103(1);

b. Acting as a director, officer, trustee, compensated employee, professional fundraising consultant, or paid solicitor of any charitable organization, as defined in Colo. Rev. Stat. § 6-16-103(1); and

c. Making any charitable solicitations on behalf of any charity.

MONETARY RELIEF

7. Defendant Widener shall pay \$8423 in consumer restitution pursuant to Colo. Rev. Stat. § 6-1-110(1) (2009). Defendant Widener shall pay this restitution as follows:

a. Two thousand twenty-three (\$2023) to be paid within ten (10) days of the Court signing this Stipulated Final Judgment .

b. The remaining amount in installments of four hundred dollars (\$400) apiece to be paid on the first of each month beginning December 1, 2009.

8. Defendants Widener and Fight 2 Live Foundation, jointly and severally, shall pay ten thousand dollars (\$10,000) as a civil penalty pursuant to Colo. Rev. Stat. § 6-1-112(1) (2009). Payment of this civil penalty shall be suspended until such time that Defendants Widener or Fight 2 Live Foundation violate any provision of this Stipulated Final Judgment. If either Defendant violates any provision of this Stipulated Final Judgment, Defendant Widener will pay the civil penalty in full within ten (10)

days of receiving notification of the violation(s). The funds shall be used first for the reimbursement of Colorado's actual costs and attorney fees and, second, to be held along with any interest thereon, in trust by the Attorney General for future consumer education, consumer fraud or antitrust enforcement actions.

9. All payments required by this Stipulated Final Judgment shall be made payable to the Colorado Department of Law with a reference to "Sara Widener" and shall be delivered to:

Alissa Gardenswartz
Assistant Attorney General
Consumer Protection Section
1525 Sherman Street – 7th Floor
Denver, Colorado 80203

10. Defendants may increase payment amounts at any time to pay off these amounts without any penalty. If there is a failure to make a payment pursuant to this Stipulated Final Judgment the State may accelerate all payments due hereunder and collect the entire amounts due hereunder. In such event the State shall be entitled to recover its costs and attorney fees in collecting such amounts.

11. If Defendants make only a partial payment under this Stipulated Final Judgment, the State's acceptance of this partial payment does not prevent it from declaring the Stipulated Final Judgment breached and collecting the full amount due hereunder pursuant to paragraphs 7 and 8 and to seek other remedies, including contempt. If a partial payment is made, the Attorney General may deem the partial payment and all future payments as payment towards restitution until the full \$8423 restitution amount has been paid.

CONSIDERATION

12. Defendants Widener and Fight 2 Live Foundation are entering into this Stipulated Final Judgment for the purpose of compromising and resolving disputed claims and to avoid the expense of litigation. Defendants' execution of this Stipulated Final Judgment shall not be considered an admission by Defendants, and nothing herein shall be construed as an admission of liability by Defendants. Nothing herein constitutes approval by the State of Defendants' past or future practices, and Defendants shall not make any representation to the contrary.

13. Defendants agree to cooperate fully with the Office of the Attorney General, including agreeing to accept service of process, in any proceedings related to the allegations described in the Verified Complaint.

14. This Stipulated Final Judgment is intended to resolve finally and fully all of the civil disputes between the Attorney General and Defendants Widener and Fight 2 Live Foundation arising out of the conduct alleged in the Verified Complaint. This Stipulated Final Judgment shall not be construed to affect any claims by the Attorney General against any other Defendants, named or unnamed, or against any other individuals or entities regarding the conduct alleged in the Verified Complaint. This Stipulated Final Judgment shall not be construed to affect any criminal actions or charges against Defendants Widener or Fight 2 Live Foundation, or against any other Defendants, named or unnamed, or against any other individuals or entities regarding the conduct alleged in the Verified Complaint.

RETENTION OF JURISDICTION

15. This Court shall retain jurisdiction of this matter for the purpose of enabling any party to this Stipulated Final Judgment to apply to the Court at any time for any further orders which may be necessary or appropriate for the construction, modification or execution of this Stipulated Final Judgment, and for the enforcement of compliance herewith and the punishment of violations hereof.

16. This Stipulated Final Judgment shall not be construed to affect the rights of any private party to pursue remedies pursuant to Colo. Rev. Stat. § 6-1-113 (2009) of the CCPA, Colo. Rev. Stat. § 6-16-111(5) (2009) of the CCSA, or under any other statutes through actions in common law.

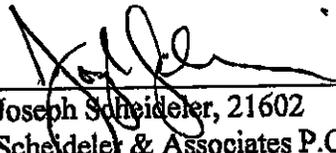
17. The parties understand and agree that a violation of any provision of this Stipulated Final Judgment shall, in addition to resulting in the payment detailed in paragraph 8 above, give rise to the remedies provided under Colo. Rev. Stat. § 6-1-110(2) (2009) as well as to remedial and punitive sanctions available under C.R.C.P. 107.

ACKNOWLEDGMENT

18. Defendants Widener and Fight 2 Live Foundation acknowledge that they have thoroughly reviewed this Stipulated Final Judgment, that they have had an opportunity to consult with an attorney, that they understand and agree to its terms, and that they agree that it shall be entered as the Order of this Court.

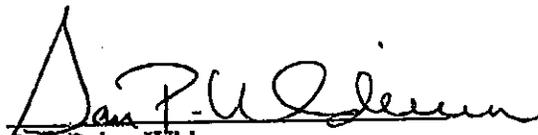
Alissa Hecht Gardenswartz, 36126*
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Attorney for Defendants Sara
Paige Widener and Fight 2 Live
Foundation



Sara Paige Widener
Individually and on behalf Fight 2
Live Foundation

Date: _____

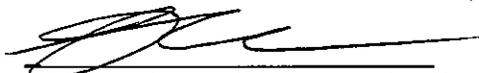
Date: 10-16-09

SO ORDERED THIS _____ DAY OF _____, 2009

C. Scott Crabtree
District Court Judge

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Attorney for Defendants Sara
Paige Widener and Fight 2 Live
Foundation

Sara Paige Widener
Individually and on behalf Fight 2
Live Foundation

Date: 11/4/09

Date: _____

SO ORDERED THIS _____ DAY OF _____, 2009

C. Scott Crabtree
District Court Judge

This document constitutes a ruling of the court and should be treated as such.

Court: CO Adams County District Court 17th JD

Judge: Charles Scott Crabtree

File & Serve

Transaction ID: 27913664

Current Date: Nov 06, 2009

Case Number: 2009CV1679

Case Name: STATE OF COLO vs. WIDENER, SARA PAIGE et al

Court Authorizer: Charles Scott Crabtree

Court Authorizer

Comments:

This case will be administratively closed subject to being reopened, if necessary, for further proceedings.

/s/ **Judge Charles Scott Crabtree**